



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

FEB 24 2016

Operations Support Branch

SUBJECT: Revalidation Review for DA Permit No. NAN-2012-01262, NYC
Economic Development Corporation - Manhattan Cruise Terminal
(MCT), Hudson River, Manhattan, NY

Mr. Charles Lobue
Team Leader, Dredged Material Management Team
US Environmental Protection Agency – Region 2
290 Broadway
New York, New York 10007-1866

Dear Mr. Lobue:

Enclosed please find a request from the NYC Economic Development Corporation (EDC) to perform maintenance dredging at their Manhattan Cruise Terminal (MCT) with placement of the material at the Historic Area Remediation Site (HARS). The proposed work would be performed under Department of the Army Permit No. NAN-2012-01262 which was issued to EDC on August 28, 2013. This revalidation would enable the permittee to complete a sixth dredging and placement event under the permit.

We have reviewed the submitted information and find that the dredged material continues to be acceptable for placement at the HARS. In accordance with 33 CFR Part 324.4(c) and 40 CFR Parts 225.2 and 227.6, we request that the US Environmental Protection Agency evaluate the enclosed information and advise us as to whether you also concur with this assessment. Please provide a written response within 5 business days.

Questions concerning this correspondence can be directed to either Kelly Vega at 917-790-8429, or Oksana Yaremko, Chief of the Dredged Material Management Section at 917-790-8539.

Sincerely,

Randall G. Hintz
Chief, Operations Support Branch

Enclosures



US Army Corps
of Engineers
New York District

U.S. Army Corps of Engineers - New York District
26 Federal Plaza
New York, New York 10278-0090
and
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007-1866



Date: 24 February 2016

MAR 03 2016

Subject: Permit Revalidation

Permit No. NAN-2012-01262

Applicant: NYCEDC - MCT

Waterway: Hudson River

The New York District Corps of Engineers is submitting the attached permit revalidation review for EPA-Region II's review and concurrence.

Prepared by: Kelly Vega

Kelly Vega

Approving Supervisor: Oksana Yaremko

Oksana Yaremko

Date:

The US Environmental Protection Agency has reviewed the subject sampling permit revalidation.

☒ USEPA concurs with revalidation of the permit.

☐ USEPA does not concur for the following reasons:

☐ A list of required testing is attached.

Reviewed by: Alexandre Remnek

Alexandre Remnek

Approving Supervisor: Charles Lobue

Charles Lobue

MEMORANDUM FOR: The Record

SUBJECT: Revalidation Review for DA Permit No. NAN-2012-01262, NYC Economic Development Corporation - Manhattan Cruise Terminal (MCT), Hudson River, Manhattan, NY

1. CENAN-OP-SD has reviewed the revalidation request for the project indicated above.
2. Examination of our files reveals that the project has been dredged five times under the current permit in order to maintain the authorized depths of 36 ft below mean low water (MLW) plus 2-ft allowable overdepth in the berthing areas and 40+2 ft MLW in the "Notch" area between Piers 88 and 90. Approximately 107,000 cubic yards (CY) of dredged material was dredged in the time period 8 October – 24 October, 2015 with subsequent placement at the Historic Area Remediation Site (HARS) in the Atlantic Ocean.
3. The current request (see enclosed letter from permittee) is for an anticipated 102,700 CY of material to be dredged from the same areas as authorized in the original permit. The permittee expects up to 30,000 CY of additional siltation prior to the Spring 2016 dredging event. The permittee has provided a bathymetric survey from soundings taken on 1 February 2016 (copy enclosed), which shows that the dredging footprint remains unchanged from the original permitted area. However, the proposed project depths are the following: (a) Berth #1, -32 feet below Mean Lower Low Water (MLLW) plus 2 feet allowable overdepth; (b) Berth #2, -32 feet below MLLW plus 2 feet allowable overdepth; (c) Berth #3, -32 feet below MLLW plus 2 feet allowable overdepth; (d) Berth #4, -32 feet below MLLW plus 2 feet allowable overdepth; (e) Berth #5, -28 feet below MLLW plus 2 feet allowable overdepth; and (f) Berth Channel, -32 feet below MLLW plus 2 feet allowable overdepth.
4. Bioassay/bioaccumulation testing for DA Permit No. NAN-2012-01262 was performed on samples collected on 12-14 December 2012. A review of the test results indicated that the material is Category I under USEPA Region 2/New York District Corps of Engineers guidance and is suitable for placement at the HARS as remediation material.
5. The permittee has provided the history of contaminated spills in the vicinity of the project area since the October 2015 dredging event utilizing the United States Coast Guard (USCG) National Response Center (NRC) database. Of the 31 spill events listed, only 1 event occurring on November 22, 2015 was at or near the area to be dredged. The spill case for this event has been closed according to the NYSDEC Spill Incident Database. NYSDEC closed the spill case because either the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary or the case was closed for administrative reasons (multiple reports of a single spill consolidated into a single spill number) which the latter does not seem to be the reason for this spill case closure. Therefore, we do not anticipate any impact on the sediment quality or the dredging permit.
6. A review of the administrative record and environmental history of the project area since it was last dredged indicates that neither the project itself, nor conditions within the area have materially changed. Additional sampling and testing are, therefore, not necessary for revalidation of this permit.
7. USEPA Region 2's concurrence with this determination is required and will be confirmed under separate cover.
8. Questions regarding this determination can be directed to the undersigned (x8429).

Subject: Revalidation Review for DA Permit No. NAN-2012-01262, NYC Economic Development Corporation - Manhattan Cruise Terminal (MCT), Hudson River, Manhattan, NY

A handwritten signature in black ink, appearing to read 'Kelly Vega', with a long, sweeping horizontal stroke extending to the right.

Kelly Vega
Biologist
CENAN-OP-SD

Enclosures



New York City Economic Development Corporation

ANNUAL
HARS
PLACEMENT

February 10, 2016

Mr. Stephan A. Ryba
Chief, Regulatory Branch
US Army Corps of Engineers, New York District
26 Federal Plaza, Room 1937
New York, New York 10278-0090

RECEIVED BY REGULATORY

FEB 19 2016

NY DIST. CORPS OF ENGINEERS

Reference:

USACE Permit No. NAN-2012-0162-~~XXXX~~

**New York City Economic Development Corporation, Manhattan Cruise Terminal
Spring 2016 Revalidation for Maintenance Dredging with HARS Placement**

Dear Mr. Ryba:

The New York City Economic Development Corporation (NYCEDC) herein submits a request in accordance with Permit Special Condition (V) for revalidation to perform maintenance dredging at the Manhattan Cruise Terminal (MCT) in April 2016 with placement of dredged material at the Historic Area Remediation Site (HARS). Dredging at MCT was last performed in the Fall of 2015 with material placement at the HARS.

Regular removal of accumulated sediment within the MCT is imperative in order to maintain safe navigation for passenger cruise ships and to accommodate the larger Navy vessels during Fleet Week. Due to the rigid dredging schedule and need to accommodate vessels utilizing the Terminal, NYCEDC anticipates dredging commencement as early as April 1, 2016.

As per Permit Special Condition (E), we have enclosed four (4) signed and sealed copies of the most recent conditional hydrographic survey of the site performed on January 27, 2016 (OCCE Drawing No. A073064-4A-01). The proposed volume of material available for dredging at the time of survey is 120,700 cubic yards. We expect up to 30,000 cubic yards of additional siltation prior to the Spring 2016 dredging event.

A copy of the bathymetric drawing has been provided also to the New York State Department of Environmental Conservation (NYSDEC). Additionally we have attached the spill history for the Hudson River in the vicinity of the site since the last dredge event.

By this letter, we would also like to schedule the Pre-Construction meeting at your earliest convenience as per Permit Special Condition (C).

1124780	CALLER IS REPORTING A RELEASE OF MERCURY ONTO CONCRETE IN A BOILER ROOM FROM AN UNKNOWN SOURCE. INCIDENT IS STILL UNDER INVESTIGATION.	FIXED	UNKNOWN	8/5/2015 8:00	DISCOVERED		GRAND CENTRAL TERM	88 E 42ND ST		NEW YORK	NY	NEW YORK (MANHATTAN)	N
1127207	CALLER IS REPORTING A CEMENT TRUCK WAS BACKFILLING A STREET CUT. AFTER COMPLETION, CEMENT TRUCK WASHED AND DUMPED CEMENT SLURRY INTO A STORM DRAIN.	MOBILE	OPERATOR ERROR	8/31/2015 13:30	OCCURRED		EAST 13TH STREET	4 AVE D		MANHATTAN	NY	NEW YORK (MANHATTAN)	N
1127534	CALLER STATED THAT WHILE WALKING, SHE VIDEO TAPED AN EMPLOYEE OF THE CAFE USE A POWER WASHER TO PUSH GARBAGE FROM TABLES AND THE SURROUNDING AREA INTO THE HUDSON RIVER.	FIXED	DUMPING	8/3/2015 7:00	OCCURRED		500 WEST 70 ST			NEW YORK	NY	NEW YORK (MANHATTAN)	N
1127597	CALLER STATED THAT AN UNKNOWN SHEEN HAS BEEN NOTICED ON THE WATERS OF THE MARINE MAX MARINA.	UNKNOWN SHEEN	UNKNOWN	9/3/2015 19:00	DISCOVERED	UNKNOWN SHEEN INCIDENT	PEIR 59 CHELSEE PIERS			NEW YORK	NY	NEW YORK (MANHATTAN)	N
1128062	CALLER STATED ONE QUART OF MOTOR OIL FROM AN UNKNOWN SOURCE WAS DISCOVERED IN THE DRAIN AT THE INCIDENT LOCATION.	UNKNOWN SHEEN	UNKNOWN	9/10/2015 8:45	OCCURRED	MARINE MAX MARINA	281 11TH AVE			MANHATTAN	NY	NEW YORK (MANHATTAN)	N
1129089	CALLER IS REPORTING AN UNKNOWN SHEEN FROM AN UNKNOWN SOURCE.	UNKNOWN SHEEN	UNKNOWN	9/22/2015 9:50	DISCOVERED	UNKNOWN SHEEN INCIDENT	IN VICINITY OF	499 VAN BRUNT STREET		MANHATTAN	NY	NEW YORK (MANHATTAN)	N
1129671	CALLER STATED THAT THERE IS AN UNKNOWN SHEEN FROM AN UNKNOWN SOURCE BEING OBSERVED ON THE EAST RIVER.	UNKNOWN SHEEN	UNKNOWN	9/28/2015 14:15	DISCOVERED	UNKNOWN SHEEN INCIDENT	SEE COORDINATES			MANHATTAN	NY	NEW YORK (MANHATTAN)	N
1129665	CALLER STATED THAT THERE IS AN UNKNOWN SHEEN FROM AN UNKNOWN SOURCE BEING OBSERVED ON THE HUDSON RIVER. CALLER STATED THAT MOST OF THE MATERIAL IS DISSIPATING BUT THERE ARE BUBBLES COMING UP CAUSING A RAINBOW SHEEN.	UNKNOWN SHEEN	UNKNOWN	9/29/2015 18:30	DISCOVERED	HUDSON DOWN RIVER OF NORTH RIVER LOBSTER COMPANY	42ND AND 12TH AVENUE			MANHATTAN	NY	NEW YORK (MANHATTAN)	N
1129892	CALLER IS REPORTING THAT THEY HAVE A MANHOLE STRUCTURE THAT CARRIES PRIMARY AND SECONDARY ELECTRICAL CABLE. THE CABLE IS LEAKING, AND DISCHARGED APPROXIMATELY 2 GALLONS OF DI-ELECTRIC FLUID TO A SEWER DRAIN.	FIXED	EQUIPMENT FAILURE	10/3/2015 10:35	OCCURRED		505 GREENWICH ST			NEW YORK	NY	NEW YORK (MANHATTAN)	N
1130374	CALLER STATED THERE WAS SPILL OF MATERIALS FROM A FRAC TANK AFTER CLEANING A BOILER AT A POWER GENERATING FACILITY.	FIXED	OTHER	10/8/2015 5:25	DISCOVERED		EAST 14 STREET AND	AVENUE D		MANHATTAN	NY	NEW YORK (MANHATTAN)	N
1131180	THE CALLER IS REPORTING A RELEASE OF ASBESTOS DUE TO IMPROPER DISPOSAL AT A SUBSTATION (POWER TRANSFER FACILITY). THE CALLER STATED THAT WHILE REMOVING WIRING CABLES COATED WITH THE ASBESTOS, THE MATERIAL WAS PLACED IN A NON-HAZARDOUS DUMPSTER. THE CALLER STATED THE MATERIAL WAS THEN MIXED INTO A CONSTRUCTION DUMPSTER WITH NORMAL DEBRIS. CALLER STATED IT IS UNKNOWN WHAT ENVIRONMENTAL IMPACTS THERE MAY BE AS THE DUMPSTER WAS TAKEN FROM THE LOCATION WITH AN UNKNOWN FINAL DESTINATION.	FIXED	OPERATOR ERROR	10/18/2015 14:45	OCCURRED		425 WEST 201ST ST.	SHERMAN CREEK SUBSTATION		MANHATTAN	NY	NEW YORK (MANHATTAN)	N
1131316	CALLER STATED THAT WHEN A SPUD BARGE WAS TAKING CORE SAMPLES OF THE RIVER BOTTOM, A DISCHARGE OF OIL WAS CREATED WHICH EMANATED FROM THE AREA WHERE THE CORE SAMPLE WAS TAKEN.	UNKNOWN SHEEN	UNKNOWN	10/21/2015 10:00	OCCURRED	EAST RIVER 75 FEET EAST OF THE BULK HEAD	EAST 21ST ST			NEW YORK	NY	NEW YORK (MANHATTAN)	N
1131435	CALLER STATED WHILE CORE DRILLING OFF OF A BARGE AND WHILE DRILLING INTO THE EMBANKMENT A SHEEN HAS APPEARED. THIS IS A FORMER MGP SITE.	FIXED	OTHER	10/23/2015 16:05	DISCOVERED		75 FEET EAST OF 20TH ST	EAST RIVER		MANHATTAN	NY	NEW YORK (MANHATTAN)	N
1131468	CALLER IS REPORTING THAT THEY ARE PERFORMING CORE SEDIMENT DRILLING FOR AN MANUFACTURE GAS PLANT (MGP) AND DURING THE DRILLING THEY DRILLED INTO THE RIVER BED AND 3 (10 INCH) SHEENS APPEARED AND IMMEDIATELY DISSIPATED.	FIXED	OTHER	10/23/2015 8:15	OCCURRED		EAST 20TH ST	/// EAST RIVER ///		MANHATTAN	NY	NEW YORK (MANHATTAN)	N
1131801	CALLER IS REPORTING A 6 OUNCE RELEASE OF AN UNKNOWN OIL FROM A BUILDING AT THE FACILITY. THE CAUSE IS UNKNOWN.	FIXED	UNKNOWN	10/27/2015 10:55	OCCURRED		EAST 21ST STREET AND THE EAST RIVER			NEW YORK	NY	NEW YORK (MANHATTAN)	N
1131918	CALLER IS REPORTING AN OUNCE SPILL OF OILY WATER FROM A CONTRACTORS TRUCK. THE CAUSE IS UNKNOWN.	MOBILE	UNKNOWN	10/28/2015 12:25	OCCURRED		WEST 59TH STREET STATION	850TH 11TH AVE		NEW YORK	NY	NEW YORK (MANHATTAN)	N
1131924	CALLER STATED THAT A TANK TRUCK SPRUNG A LEAK AND RELEASED 1 PINT OF MOTOR OIL INTO AN UNDERGROUND STRUCTURE. THIS WAS DUE TO AN EQUIPMENT MALFUNCTION.	MOBILE	EQUIPMENT FAILURE	10/28/2015 13:30	OCCURRED	59TH STREET GENERATING STATION	12TH AVE & 59TH ST			NEW YORK	NY	NEW YORK (MANHATTAN)	N
1132039	AN OIL SHEEN WAS OBSERVED ON THE EAST RIVER. THE SHEEN IS ASSOCIATED WITH CORE DRILLING (EXACT SOURCE IS UNKNOWN).	UNKNOWN SHEEN	UNKNOWN	10/29/2015 15:30	OCCURRED	EAST RIVER, APPROXIMATELY 75 FEET EAST OF EAST 20TH STREET BULKHEAD				NEW YORK CITY	NY	NEW YORK (MANHATTAN)	N
1133003	THE CALLER IS REPORTING THAT WASTE WATER WITH OIL FROM THE POWER PLANT RELEASED TO THE RIVER.	FIXED	EQUIPMENT FAILURE	11/9/2015 20:35	OCCURRED		801 E 14TH ST			MANHATTAN	NY	NEW YORK (MANHATTAN)	10009 N
1133241	CALLER IS REPORTING A RELEASE OF TRANSFORMER OIL FROM A TRANSFORMER IN A VAULT UNDERGROUND. THE CAUSE IS UNKNOWN. CALLER STATED THAT IT IS UNKNOWN IF THERE ARE ANY PCBs.	FIXED	UNKNOWN	11/12/2015 10:15	OCCURRED	VAULT 5347	201 EAST 47TH STREET			MANHATTAN	NY	NEW YORK (MANHATTAN)	N
1133655	CALLER IS REPORTING UNKNOWN OIL FOUND IN A MANHOLE ON THE FDR DRIVE IN NEW YORK. THERE IS WATER IN THE MANHOLE AS WELL, AND THE MANHOLE IS ADJACENT TO THE RIVER.	FIXED	UNKNOWN	11/17/2015 14:05	DISCOVERED		FDR DRIVE &	EAST 126TH STREET		MANHATTAN	NY	NEW YORK (MANHATTAN)	N
1133688	CALLER STATED THAT THERE IS CABLE OIL BEING OBSERVED IN A MANHOLE THAT LEADS TO THE EAST RIVER.	FIXED	UNKNOWN	11/17/2015 18:40	DISCOVERED	MANHOLE 58820	AVENUE C AND EAST 15TH STREET			MANHATTAN	NY	NEW YORK (MANHATTAN)	N
1134037	CALLER IS REPORTING A POTENTIAL RELEASE OF DI-ELECTRIC FLUID. REPORT IS BASED ON LINE ALARMS THAT INDICATED A POTENTIAL RELEASE.	FIXED	UNKNOWN	11/22/2015 11:07	DISCOVERED		W 49TH STREET			NEW YORK	NY	NEW YORK (MANHATTAN)	Y
1134043	CALLER STATED THAT THERE IS AN UNKNOWN SHEEN FROM AN UNKNOWN SOURCE BEING OBSERVED ON THE EAST RIVER.	UNKNOWN SHEEN	UNKNOWN	11/22/2015 10:30	DISCOVERED	EAST RIVER	INTERSECTION OF EAST END AVENUE AND 81ST			MANHATTAN	NY	NEW YORK (MANHATTAN)	N
1134308	CALLER IS REPORTING A RELEASE OF FUEL OIL TO THE STREET, INTO A MANHOLE (#19) AND TO A CATCH BASIN FROM A TANKER TRUCK FOR UNKNOWN REASONS. ITS UNKNOWN IF ANY WATERWAYS WERE IMPACTED, ITS BELIEVED THE CATCH BASIN LEADS TO THE WATER TREATMENT FACILITY.	MOBILE	UNKNOWN	11/25/2015 13:20	OCCURRED		2ND AVE	25 FT NORTH OF E. 42ND ST		MANHATTAN	NY	NEW YORK (MANHATTAN)	N

**Department of
Environmental
Conservation**

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 2**Spill Number:** 1509137

Spill Date/Time

Spill Date: 12/08/2015 **Spill Time:** 08:31:00 AM**Call Received Date:** 12/08/2015 **Call Received Time:** 08:30:00 AM

Location

Spill Name: CON ED FEEDER LEAK**Address:** 637 W 49TH ST AND 353 TUCKAHOE RD**City:** MANHATTAN **County:** New York

Spill Description

Material Spilled Amount Spilled Resource Affected

dielectric fluid 560 Gal. Soil

Cause: Equipment Failure**Source:** Commercial/Industrial**Waterbody:**

Record Close

Date Spill Closed: 01/25/2016

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the Regional Office where the incident occurred.

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Department of
Environmental
Conservation

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 2

Spill Number: 1508677

Spill Date/Time

Spill Date: 11/22/2015 **Spill Time:** 11:07:00 AM

Call Received Date: 11/22/2015 **Call Received Time:** 11:26:00 AM

Location

Spill Name: FEEDER M52 LEAK

Address: 637 WEST 49 STREET

City: NEW YORK **County:** New York

Spill Description

Material Spilled Amount Spilled Resource Affected

dielectric fluid 300 Gal. Surface Water

Cause: Unknown

Source: Commercial/Industrial

Waterbody: HARLEM RIVER

Record Close

Date Spill Closed: 01/28/2016

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

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